

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

JOHN P. MCDANIEL,

*Plaintiff,*

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

*Defendant.*

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Case No. 1:10-cv-83  
Judge Mattice

**ORDER**

United States Magistrate Judge William B. Mitchell Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) on March 8, 2011 [Court Doc. 17.] Neither party filed objections within the given 14 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, Plaintiff's Motion for Judgment on the Pleadings [Court Doc. 11] is **DENIED**. Defendant's Motion for Summary Judgment [Court Doc. 15] is **GRANTED**. The Commissioner's denial of benefits is **AFFIRMED** and the instant action is **DISMISSED WITH PREJUDICE**. The Clerk shall close the case.

**SO ORDERED** this 29th day of March, 2011.

/s/Harry S. Mattice, Jr.

HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE